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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN - 5 1992
Federal Communications Commission
Office of the Secretary

In the Matter of

The Use of N11 Codes and Other
Abbreviated Dialing Arrangements

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CC Docket No. 92-105

COMMENTS OF THE NYNEX TELEPHONE COMPANIES

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and

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SUMMARY

In view of the far-reaching implications of assigning N11 codes to individual information providers, the NYNEX Telephone Companies welcome this opportunity to share our views in connection the FCC's abbreviated dialing proposal. However, we oppose the FCC's proposal to use N11 codes for any local pay per call information service and we urge the Commission to recognize that many significant policy reasons and operational concerns argue against its proposal. Assignment of N11 codes for information service providers, including enhanced service providers affiliated with LECs, does not serve the public interest. We believe that given their unique and limited nature, N11 codes should be reserved for uses that serve the greater public interest, such as 411 and 911, and for access to public network capabilities and services immediately related to network functionality. In the comments that follow, we demonstrate that any competitive benefit that may result from using the codes for customer-specific applications is vastly outweighed by the public benefits that would result from reserving the codes for uses that benefit the customer base at large and provide functions immediately related to network functionality.

Even a properly-designed and administered plan to allocate the scarce N11 code resources for customer-specific applications fails to serve the public interest and potentially creates an inequitable competitive advantage for a small number of information providers. If the FCC nonetheless determines that the codes should be allocated, the process used to allocate the codes must follow a set of guidelines that ensures that the codes are fairly and consistently allocated. Uniform nationwide N11 allocation guidelines should be developed under the auspices of a NANPA-led forum or similar industry forum that reflects the views of regulators, LECs and other interested parties. If the FCC affirms its tentative conclusion that N11 codes should be assigned for use in connection with information services, assignments should be limited to one code per entity, including that entity's subsidiaries and affiliates, in a defined geographic area. After public announcement, N11 code assignments should be made on a nondiscriminatory, first come, first served basis, unless the number of orders received exceeds the available codes, a likely scenario. In such cases, the N11 dialing arrangements should be allocated in a lottery proceeding administered by the state or federal regulatory authority following guidelines developed in the industry forum described in these comments.

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COMMENTS OF THE NYNEX TELEPHONE COMPANIES

I. INTRODUCTION

The NYNEX Telephone Companies ("NTCs" or "NYNEX") file these comments in response to the Notice of Proposed Rulemaking ("NPRM") released on May 6, 1992 by the Federal Communications Commission ("FCC" or "Commission") in the above-referenced proceeding. Finding "no legal or regulatory impediment to assignment of N11 codes," the FCC proposed in its NPRM to require local exchange carriers ("LECs") to assign three-digit N11 codes to enhanced service providers for "local pay per call type information services."¹ The NPRM also seeks comment on issues generally surrounding the use, allocation and assignment of N11

¹ In the Matter of the use of N11 codes and other Abbreviated Dialing Arrangements, Notice of Proposed Rulemaking, CC Docket No. 92-105, released May 6, 1992 ("NPRM") at ¶ 3.

codes and abbreviated dialing arrangements.² In view of the far-reaching implications of assigning N11 codes to individual customers, the NTCs oppose the FCC's proposal to use the codes for any local pay per call information services as described in the NPRM. While we agree with the FCC that no legal or regulatory considerations prohibit LECs from assigning the codes, we urge the Commission to recognize that many significant policy reasons and operational concerns argue against its proposal to adopt the rules proposed in the NPRM.

We believe that assignment of N11 codes for information service providers, including enhanced service providers affiliated with LECs, does not serve the public interest. Given their unique and limited nature, N11 codes should be reserved for uses that serve the greater public interest, such as 411 and 911, and for access to public network capabilities and services immediately related to network functionality. We demonstrate in

² Id. This FCC rulemaking proceeding was prompted by a petition filed on March 6, 1992 by BellSouth Corporation. BellSouth had received a request for an abbreviated dialing arrangement (*i.e.*, N11) from Cox Enterprises, Inc. Cox's request stated its intent to use the N11 dialing arrangement in connection with one of its many information services. (Cox's Atlanta newspapers offer approximately 25 information services, including weather services and classified advertisements.) BellSouth proposed to assign an N11 code to Cox on the condition that the code could be recovered on six months' notice if needed for other purposes and filed a petition asking the FCC to declare that assignment of the codes for use with a pay per call information service comports with the Communications Act and the FCC's rules and policies. The FCC found no impediment to assignment of the codes as BellSouth proposed but, in view of the many questions raised by BellSouth's petition, deemed it appropriate to address the issues surrounding N11 codes and abbreviated dialing arrangements in the instant rulemaking proceeding.

these comments that even a properly-designed and administered plan to allocate the scarce N11 code resources for customer-specific applications fails to serve the public interest and potentially creates an inequitable competitive advantage for a small number of information providers.

II. N11 CODES REPRESENT A SCARCE AND VALUABLE NETWORK RESOURCE THAT SHOULD BE RESERVED FOR USES THAT BENEFIT THE CUSTOMER BASE AT LARGE RATHER THAN INDIVIDUAL INFORMATION SERVICE PROVIDERS

- Public Policy Reasons Do Not Support Assignment of N11 Codes for Individual Information Service Providers

In the NPRM, the Commission recognizes the "extremely limited number of service codes available in each geographic area". Due in part to this scarcity, the Commission also recognized the value of the N11 service codes.³ We urge the FCC to go one step further in its analysis and acknowledge that, because N11 codes represent one of the scarcest of the North American Numbering Plan ("NANP") resources, any competitive benefit that may result from assignment of the codes for customer-specific applications is vastly outweighed by the public good that would result from reserving the codes for uses that benefit the customer base at large, essential public network uses and functions immediately related to network functionality.

In the past, New York Telephone has received requests for three-digit service codes from both private companies and public agencies. In 1988, for example, New York Telephone

³ NPRM at ¶ 15.

Company was approached by the New York City Fire Department for a three-digit abbreviated dialing arrangement to be used as an alternative to 911 to dial the Fire Department directly. Over a year ago, New York Telephone also received a verbal inquiry from the NYC Department of Telecommunications and Energy for a three-digit code to be used in dialing hospitals and health services. In both instances, standard 7- and 10-digit dialing arrangements were suggested. If the FCC determines that N11 codes be extended beyond existing uses, we believe that the codes should be reserved for those uses that benefit the entire calling public, namely the fire or medical emergency services described here.⁴

Moreover, information services are successfully deployed within the New York Metro LATA using seven and ten digit local number formats (e.g., 540-XXXX, 550-XXXX, 976-XXXX and 900 XXX-XXXX). These dialing arrangements allow service-specific NXXs to be made available to all interested parties without exhausting available codes.⁵ Indeed, assuming that use of N11

⁴ The FCC must recognize that the development of N11 abbreviated arrangements requires significant changes in the existing routing guides and number translations and further requires the development of a compatible transport service that meets the needs of users such as Cox.

⁵ The 540, 550 and 976 formats, for example, each can produce 10,000 seven-digit numbers. The 900 dialing sequence produces almost 8 million numbers for use by information service providers within local calling areas throughout World Zone 1. These dialing formats (e.g. 540-XXXX, 550-XXXX 976-XXXX and (900) NXX-XXXX) already exist within the established number addressing framework. Conversely, the 3-digit N11 dialing arrangement proposed in the NPRM does not comport with the Long Term Numbering Plan (LTNP) developed by the North American Numbering Plan

codes represents a marketplace advantage, the very notion that a small number of lucky information providers (e.g., four or six, depending on whether the FCC requires LECs using 611 and 811 to vacate those codes) will be assigned N11 codes to support their competitive services conflicts with the FCC's policy of non-discriminatory treatment for enhanced service providers and raises a fundamental question of competitive equity among enhanced service providers.⁶

The FCC does not propose to disturb the use of 411 and 911 for directory and emergency services, respectively, and recognizes that LECs will be able to allocate only four to six N11 codes in each area. In addition, the Commission seeks comment regarding the possible vacation of 611, 811 and other codes currently used by some LECs for repair and business office

5 (Footnote Continued From Previous Page)

Administrator (NANPA) to address and resolve numbering issues. The NANPA proposes the continuation of the existing ten-digit number format for World Zone 1, which includes the United States. There is no indication that the seven/ten-digit dialing format will change in the foreseeable future. Indeed, as part of its LTNP, NANPA recommended elimination of further assignment of shorter, seven-digit numbers in World Zone 1. The NANPA has indicated that service codes have as their purpose the provision of various special functions. These functions are set out in the most recent issue of BOC Notes on the LEC Networks - 1990 (Notes). Numbering Plan and Dialing Procedures, SR-TSV.002275 Issue 1, March 1991 at 3.2.4. The NPRM's currently proposed use of N11 codes does not fall within the uses contemplated by NANPA as expressed by the Notes document.

6 As we noted above, even a properly-designed allocation process is flawed. Indeed, the allocation method notwithstanding, the scarcity of N11 codes creates an unavoidable tension with the requirement that, as common carriers, LECs avoid discrimination or preference in the provision of service.

calls. We agree that strong public policy reasons support the FCC's conclusion that the current use of 411 and 911 for directory and emergency services should remain undisturbed. We argue in these comments that other N11 codes, including 611 and 811, should be reserved for essential network purposes that generally benefit large bodies of customers rather than individual subscribers.⁷

- Operational Considerations Argue Against Assignment of N11 Codes And Other Abbreviated Dialing Arrangements

The assignment of N11 codes for abbreviated dialing raises significant operational questions. In metropolitan areas such as New York or Boston, for example, it may be difficult to assign the same N11 to the same service provider in each of the NPAs that cover that metropolitan area.⁸ The mass media outlets generally employed to advertise information services to the public are not constrained by NPA, LATA or, even state

⁷ In the New York Metro LATA, for example, the following N11 codes currently are used by New York Telephone Company:

- 211 - Credit Bureau
- 311 - Pseudo Originating NXX (A pseudo originating NXX is a non-dialable code assignment developed to accommodate the large numbers of hunt group arrangements that use coded terminals in ESS environments.)
- 411 - Directory Assistance
- 511 - Pseudo Originating NXX and Cable Verification Code
- 611 - Repair Service
- 711 - RediServ Line Verification Code
- 911 - Police Emergency

Apart from 411 and 911, each use described above is a network service-related application that benefits the entire calling public or significant portions thereof, rather than private commercial interests.

⁸ For example, the New York Metropolitan area is comprised, wholly or in part, of three states and the 201, 203, 212, 516, 718, 908, 914 and 917 NPAs.

boundaries. Assigning different N11 codes in each NPA to service providers in such instances would potentially result in mass confusion on the part of the general public and could adversely impact both the LECs and service providers.

It is undeniable that abbreviated dialing would facilitate end user connections to information providers. But, in addition to the policy reasons that argue against N11 code assignments for information services, there are several operational considerations that must be taken into account.

At paragraph 16 of the NPRM, the Commission requests comment regarding whether there are any new network features or functions that are now, or might soon be, available as technological solutions to the scarcity of N11 codes. We note that irrespective of any technical solution that can be devised, abbreviated dialing schemes are inherently limited. Any proffered solutions must be evaluated against both present and future LEC network capability.⁹

The FCC recognizes that the demand for three-digit dialing will likely exceed the supply of codes.¹⁰ Thus, the FCC also seeks comments regarding the employment of N11 alternative dialing sequences such as *XX, *XXX and XXX#.¹¹

⁹ Each local telephone service provider's network is at various stages of development from older embedded technology to the most modern. Consequently, no general conclusion may be inferred regarding the ability, from central office to central office, to accommodate three-digit dialing.

¹⁰ NPRM at ¶ 16.

¹¹ NPRM at ¶ 9.

The FCC should note that, in contrast with abbreviated dialing arrangements, vertical service codes are used to provide customer access to service features such as call forwarding and call waiting. Moreover, various vertical service code formats are under discussion in the Vertical Service Code Workshop sponsored by the Industry Carriers Compatibility Forum (ICCF). We believe that the ICCF is an appropriate venue in which to consider these alternative arrangements. We note, however, that whatever alternative is chosen, it is imperative that the method does not place undue pressure on the supply of NXX codes gained through the implementation of interchangeable area codes (NPAs) in 1995.¹²

III. IF, DESPITE PUBLIC INTEREST CONCERNS, THE FCC DETERMINES THAT N11 CODES SHOULD BE ASSIGNED FOR USE IN CONNECTION WITH INFORMATION SERVICES, AN INDUSTRY FORUM SHOULD BE CONVENED TO DETERMINE THE APPROPRIATE METHOD OF ALLOCATION

NYNEX has demonstrated in these comments that assignment of N11 codes does not serve the public interest and we therefore oppose the FCC's proposed rules that would require each LEC to develop an allocation procedure for use within its region. Instead, the codes should be reserved for uses integral to the offering of public network functionality. However, if the FCC nonetheless determines that the codes should be allocated, the process used to allocate the codes

¹² The use of XXX# is particularly troublesome as it could preclude assignment of NXXs as central office codes or NPAs. Moreover, this solution would not accommodate rotary telephones.

must follow a set of guidelines that ensures that the codes are fairly and consistently allocated.

If N11 codes are to be used competitively for information services, the codes would best be allocated using a uniform nationwide set of allocation guidelines developed under the auspices of a NANPA-led forum or similar industry forum that reflects the views of regulators, LECs and other interested parties.¹³ Appropriate N11 guidelines must ensure that LECs and end users do not incur administrative costs and costs related to facilities dedicated to N11 dialing arrangements. Instead, information service providers assigned N11 codes should be responsible for all LEC costs incurred on their behalf.

In paragraph 13 of the NPRM, the FCC queries the feasibility of recovering an N11 code at some point in time after its assignment and requested comments regarding the appropriate timeframe for recall of the codes. The NTCs suggest that any N11 assignment procedures developed by the industry forum specifically stipulate that N11 codes are subject to recall on short notice (e.g., six months) if needed for public network functionality or other public interest

¹³ In a June 21, 1991 letter to the NANP Administrator concerning Central Office Code Assignment Guidelines, then Common Carrier Bureau Chief Richard M. Firestone stated that although the FCC "stands ready to resolve certain types of complaints . . . the Commission has limited its involvement with specific numbering plan issues, believing that the complex technical issues could be solved best by cooperative efforts within the telecommunications industry". See Letter from Richard M. Firestone dated June 21, 1991 to Mr. Thomas A. Saunders, Vice President, Bell Communications Research.

uses. NYNEX believes, however, that recovery of assigned codes after activation and advertisement is problematic, particularly in view of the likelihood that mass confusion would result. Furthermore, given the competitive advantage sought to be gained by using N11 dialing arrangements, one must question the commercial utility of an arrangement under which information providers are assigned N11 codes subject to recall. For this reason, we believe the codes should not be so assigned.¹⁴

It is crucial that, if the FCC affirms its tentative conclusion that N11 codes should be assigned for use in connection with information services, assignments should be limited to one code per entity, including that entity's subsidiaries and affiliates, per a defined geographic area.¹⁵ In addition, service orders for N11 codes should be accepted 90 days after the service has been publicly announced via approved state tariffs.¹⁶ After public announcement, N11

¹⁴ Success at reclaiming Carrier Identification Codes (CICs) held by carriers consolidated by mergers has been limited. For example, in cases of heavily traveled codes, attempts to reclaim have met with no success.

¹⁵ Of course, the geographic scope of the area of N11 code assignment is an important issue that should be addressed by the forum convened to develop N11 guidelines.

¹⁶ The FCC has asserted plenary jurisdiction regarding the numbering resources of the NANP, but must recognize that, due to the local nature of information services and local dialing arrangements, the proposal to make N11 codes available for access to local pay per call information services is likely to elicit substantial interest from local regulatory authorities. Clearly, there must be cooperation between appropriate regulatory bodies in order to devise a sensible approach regarding current and future use of unique N11 codes which are likely to be made available in state tariffs.

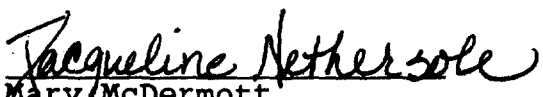
code assignments should be made on a nondiscriminatory, first come, first served basis, unless the number of orders received exceeds the available codes, a likely scenario. In such cases, the N11 dialing arrangements should be allocated in a lottery proceeding administered by the state or federal regulatory authority following guidelines developed in an appropriate industry forum. NYNEX believes that any allocation process that, in essence, treats N11 codes as commodities is to be avoided at all costs. N11 codes should not be allowed to accrue value to individual information providers.¹⁷ Thus, the code allocation guidelines should preclude the sale or transfer of N11 code assignments. Instead, codes should remain a public asset, subject to the administration of an appropriate forum and the FCC's oversight. Information providers receiving N11 dialing arrangements should be required to migrate upon six

¹⁷ Notice at ¶ 15.

months' notice, if reclamation is required for public network functionality or other public uses. These and other assignment details should be worked out in the industry forum.

Respectfully submitted,

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